

Ser. No. 10/789,425
Response dated August 17, 2010
Office Action dated April 28, 2010

PRN06012

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Remarks/Arguments

35 U.S.C. §103

Claims 1-2, 7, 12-13, 18-19, 22, and 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over applicant's admitted prior art (hereinafter referred to as "AAPA", fig. 1; paras 0002-0006), in view of Deville et al. (U.S. Patent No. 6,094,481, hereinafter referred to as "Deville").

Claims 3, 5, 8, 10, 14, 16, 20-21, 23-24, and 27-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA, in view of Deville, as applied to claim 1 above, in view of Bosnak (U.S. Patent No. 4,554,533).

Claims 4, 6, 9, 11, 15, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA, in view of Deville in view of Bosnak (U.S. Patent No. 4,554,533), as applied to claim 3 above, and in further view of Tanaka et al. (U.S. Patent No. 5,588,065, hereinafter referred to as "Tanaka").

It is respectfully asserted that none of AAPA, Deville, Bosnak, or Tanaka, alone or in combination, disclose:

"a signal process, in communication with the means for receiving and the means for enabling/disabling, for applying a first transfer function to the reproduced audio program signal, the first transfer function incrementally increasing gain adjustments to the reproduced audio program signal as a function of an increasing average amplitude of the microphone output signal over a period of time during which said microphone output signal is enabled, and incrementally decreasing gain adjustments to the reproduced audio program signal as a function of a decreasing average amplitude of the microphone output signal over a period of time during which said microphone output signal is enabled,"

as described in currently amended claim 1.

As admitted in the Office Action, "AAPA fails to disclose incrementally increasing/decreasing the gain adjustments." (Office Action, page 4) Furthermore, as argued in response to the previous Office Action, AAPA does not teach, show, or suggest the claimed

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limitation of "means for enabling the microphone output signal during first increments of time when the reproduced audio program signal is substantially off." Thus, for at least these reasons, AAPA does not disclose "a signal process, in communication with the means for receiving and the means for enabling/disabling, for applying a first transfer function to the reproduced audio program signal, the first transfer function incrementally increasing gain adjustments to the reproduced audio program signal as a function of an increasing average amplitude of the microphone output signal over a period of time during which said microphone output signal is enabled, and incrementally decreasing gain adjustments to the reproduced audio program signal as a function of a decreasing average amplitude of the microphone output signal over a period of time during which said microphone output signal is enabled," as described in currently amended claim 1.

In Deville, a "telephone is disclosed having an automatic gain control circuit and a processor which separates a local signal into a sound signal and a speech signal. The automatic gain control circuit selects a gain value based on sound levels of the sound signal when the speech signal indicates an absence of speech. The telephone also has a variable gain amplifier to amplify a received signal. The gain of the amplifier is selected from stored gain values which are stored in a memory of the telephone in a table format and are a function of the sound signal and volume levels of the sound signal chosen by a user. An input device of the telephone allows the user to select one of the volume levels." (Deville Abstract).

Deville does not disclose the averaging over time of a microphone signal during a time that the signal is enabled. Furthermore, Deville discloses the use of a single signal source, namely, the telephone microphone. In contrast, the present invention uses the level of one signal, the microphone, as an input to a function that incrementally increases or decreases the level of a separate signal input. Thus, Deville, like AAPA, fails to disclose "a signal process, in communication with the means for receiving and the means for enabling/disabling, for applying a first transfer function to the reproduced audio program signal, the first transfer function incrementally increasing gain adjustments to the reproduced audio program signal as a function of an increasing average amplitude of the microphone output signal over a period of time during which said microphone output signal is enabled, and incrementally decreasing gain adjustments to the reproduced audio program signal as a function of a decreasing average amplitude of the microphone output signal over

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a period of time during which said microphone output signal is enabled," as described in currently amended claim 1.

Bosnak teaches "the operational status of a remotely controlled electronic siren is periodically tested, from a command post, without producing audible sound. The test procedure includes energizing the voice coils of the siren loudspeakers with a signal outside of the audible range, sensing whether current flows in the speaker voice coil circuits and storing the results of the test. The stored information, upon request, will be transmitted back to the command post." (Bosnak Abstract)

Tanaka discloses a bass reproduction speaker apparatus, which "includes: a cabinet with an opening, having a division member inside thereof; a speaker unit disposed at the division member; a passive radiator disposed in the opening; an amplifier for driving the speaker unit; a detector for detecting a vibration of a moving system of the speaker unit; and a feedback circuit for feeding back an output signal from the detector to the amplifier." (Tanaka Abstract)

Neither Bosnak nor Tanaka disclose, nor does the Office Action assert that they disclose "a signal process, in communication with the means for receiving and the means for enabling/disabling, for applying a first transfer function to the reproduced audio program signal, the first transfer function incrementally increasing gain adjustments to the reproduced audio program signal as a function of an increasing average amplitude of the microphone output signal over a period of time during which said microphone output signal is enabled, and incrementally decreasing gain adjustments to the reproduced audio program signal as a function of a decreasing average amplitude of the microphone output signal over a period of time during which said microphone output signal is enabled," as described in currently amended claim 1.

In view of the above remarks, it is respectfully submitted there is no 35 USC 112 enabling disclosure provided by AAPA, Deville, Bosnak, or Tanaka, alone or in combination, which makes the present invention as claimed in claim 1 unpatentable. It is further submitted that independent claims 7, 12, 18, 22, and 25 are allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-6, 8-11, 13-17, 19-21, 23-24, and 26-28 are dependent from allowable independent claims 1, 7, 12, 18, 22, and 25,

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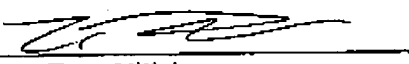
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respectively, it is respectfully submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6445, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,
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